

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR 3148-2014 (O&M)
Date of decision: 28.09.2017

Constable Jeet Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CRR 2848-2014 (O&M)

ASI Rakesh Kumar and another

.....Petitioners

versus

State of Punjab

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.O.S.Batalvi, Advocate for the petitioners in
both the cases
Mr.C.L.Pawar, Senior Deputy Advocate General, Punjab

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

By this single order, I shall dispose of two connected revisions bearing CRR 3148-2014 filed by Constable Jeet Singh and CRR 2828-2014 filed by ASI Rakesh Kumar and Constable Jagir Singh against the same judgment of conviction and order of sentence dated 8.8.2013 passed by learned Judicial Magistrate First Class, Fazilka, whereby they were convicted for commission of an offence punishable under Section 223 IPC and sentenced to undergo Simple Imprisonment for one year and fine of Rs.2,000/-, in default of payment of fine, to further undergo Simple

Imprisonment for four months. The appeal was dismissed vide judgment 16.8.2014, passed by learned Additional Sessions Judge, Fazilka.

Learned counsel for the petitioner does not press the revision on merits and presses the revision only on the quantum of sentence. It is contended that all the petitioners were police officials. It was first act of negligence on their part and on account of their conviction, they have been dismissed from service and now they are on the road. They have already remained in jail for little less than three months. Therefore, they should be released on probation. It is further contended that Pritpal Singh who had escaped from their custody, was re-arrested, tried and convicted by the competent Court.

I have heard learned counsel for both the parties and have also carefully perused the record.

Learned State counsel, after consulting the police file has affirmed that Pritpal Singh @ Kukki, who had escaped from the custody of the police, was re-arrested. Facts of the case shows that all the petitioners, who had taken Pritpal Singh for production before the Court, allowed his brother Jaspal Singh @ Lovely to board the police vehicle. In way, they were served with sweets by said Lovely. In way, Pritpal Singh requested them to allow him to pass urine and when his request was allowed, Pritpal Singh succeeded in running away. Pritpal Singh and Jaspal Singh were initially declared as proclaimed offender. However, as per information supplied by learned State counsel, Pritpal Singh was later on arrested, tried and convicted. Custody certificate of the petitioners shows that the petitioners are not previous convicts nor any other case is pending against them. It was a casual behaviour of the petitioners, which resulted in escape

of Pritpal Singh from their custody. They should not have allowed his

brother to board the police vehicle on one or the other pretext and should not have accepted the sweets from them.

Considering the fact that the petitioners have undergone little less than three months in jail and that on account of their conviction, they were thrown out of the job, I am of the view that the petitioners should be given a chance to mend their behaviour.

In these circumstances, while maintaining the conviction of the petitioners under Section 223 IPC, order of sentence passed by the Courts below are hereby set aside and the petitioners are ordered to be released on probation on their furnishing probation bonds in the sum of Rs.25,000/-, with one surety of the like amount each under Section 5(1) of the Probation of Offenders Act, 1958 for a period of one year with an undertaking to maintain peace and be of good behaviour, failing which they will surrender before the trial Court to undergo the remaining part of the sentence. It is further directed that the conviction of the petitioners shall not be treated as disqualification for any purpose under Section 12 of the Probation of Offenders Act, 1958. Petitioners are directed to furnish probation bonds before the trial Court within a period of two weeks from the date of receipt of a certified copy of this order.

Both the revisions are allowed to the above noted extent.

A copy of the order be placed on the connected case file.

28.09.2017

gk

**(Kuldip Singh)
Judge**

Whether speaking/ reasoned:

Yes

Whether Reportable:

No